

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

DEBBIE DANCER,

Plaintiff,

v.

SEATTLE HEMPFFEST, *a/k/a*  
Seattle Events,

Defendant.

Case No. 3:20-cv-00288-SLG-DMS

**ORDER RE FINAL REPORT AND RECOMMENDATION**

Before the Court at Docket 13 is Plaintiff's motion for summary judgment. At Docket 14, Defendant responded in opposition to the motion for judgment and moved to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff filed a reply at Docket 15. The motions were referred to the Honorable Magistrate Judge Deborah M. Smith. At Docket 16, Judge Smith issued her Report and Recommendation, in which she recommended that Plaintiff's motion for summary judgment be denied and that Defendant's motion for dismissal be converted to a motion for summary judgment and that the converted motion for summary judgment be granted. Plaintiff filed objections to the Report and Recommendation at Docket 17. No reply to the objections was filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”<sup>1</sup> A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>2</sup> But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>3</sup>

The magistrate judge recommended that the Court deny Plaintiff’s motion for judgment. The magistrate judge also recommended that Defendant’s motion to dismiss be converted to a motion for summary judgment and that the motion be granted. The Court has reviewed the Report and Recommendation and reviewed the record de novo and agrees with the analysis of the magistrate judge. Seattle Hempfest is not liable for the alleged defamatory conduct of Alaska Hempfest’s directors. Accordingly, the Court adopts the Report and Recommendation in its entirety, and IT IS ORDERED that Plaintiff’s motion for judgment is DENIED. IT

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<sup>1</sup> 28 U.S.C. § 636(b)(1).

<sup>2</sup> *Id.*

<sup>3</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

IS FURTHER ORDERED that Defendant's motion to dismiss is converted to a motion for summary judgment and that motion is GRANTED.

The Clerk of Court is directed to enter a Final Judgment accordingly.

DATED this 27<sup>th</sup> day of August, 2021 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE